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International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixty-seventh year

Identical letters dated 1 June 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit to you the attached letter dated 21 May 2012 that I have received from Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (see annex).

In his letter, Judge Joensen requests the extension of the term of office of one permanent judge and two ad litem judges of the Trial Chamber of the Tribunal until 31 December 2012 or until the completion of the case to which they are assigned, if sooner. He further requests the extension of his own term of office until 31 December 2014, the date by which the Tribunal is expected to complete all its work.

I recall that, pursuant to Security Council resolution 2029 (2011) and General Assembly decision 66/418, the current term of office of the Trial Chamber judges is set to expire on 30 June 2012. Contrary to earlier projections, however, the *Ngirabatware* case will not be completed by that date. Furthermore, the Tribunal will require a President to perform functions provided for under its Statute until it completes its work. It is therefore necessary to extend the term of office of the three judges hearing the *Ngirabatware* case and that of Judge Joensen beyond 30 June 2012.

It falls to the General Assembly and the Security Council to consider and decide on this request. Accordingly, I should be grateful if you would bring the letter from Judge Joensen to the attention of the General Assembly and the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 21 May 2012 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing to request the extension of the terms of office of four judges of the Trial Chambers of the Tribunal.

Pursuant to Security Council resolution 2029 (2011), the terms of office of the judges of the Trial Chambers will expire on 30 June 2012. At the beginning of 2011, the Tribunal had four permanent trial judges and eight ad litem judges. Of these, one permanent trial judge has completed his service and demitted office, and another has been redeployed to the Appeals Chamber. A third permanent trial judge will be redeployed to the Appeals Chamber in late June 2012 and, in line with article 13 (3) of the Statute of the Tribunal, his term will not require extension as it will automatically become the same as the term of the current Appeals Chamber judges. Five ad litem judges will demit office upon completion of their cases on or before 30 June 2012.

It is necessary to extend the term of office of one permanent judge and two ad litem judges in order for them to complete the *Ngirabatware* trial, which will continue beyond 30 June 2012. The current projection is that the case will be completed by the end of 2012. Delays in this trial have resulted in part from the unanticipated continuation of the Defence case owing to fair trial requirements, including the Defence request to present a rejoinder case in order to refute evidence presented by the Prosecution in its rebuttal case. The participation of two of the three judges in a parallel trial has also contributed to the delay. Upon completion of the case, the permanent judge will be redeployed to the Appeals Chamber, in line with article 13 (3) of the Statute and the ad litem judges will demit office.

Furthermore, it is also necessary to extend my term of office beyond 30 June 2012, so that I may continue to carry out the functions of the President, which are required by the Statute. The President continues to perform functions related to judges, the Registry, defence counsel, detainees and cooperation with member States until the completion of all cases and until handover to the International Residual Mechanism for Criminal Tribunals is completed. All cases are currently expected to be completed by the end of 2014.

Consequently, I ask for an extension of the terms of office of Judge William H. Sekule, Judge Solomy Balungi Bossa and Judge Mparany Rajohnson until 31 December 2012, or until the completion of the *Ngirabatware* case, if sooner. I also ask for an extension of my term until 31 December 2014.

I should note that further extensions may be required if the request for referral of the *Munyagishari* case to Rwanda is denied. Such trial would require a bench of three judges, one of whom could be the President. The Tribunal is obligated to handle the trial, if any, pursuant to article 1 of the Transitional Arrangements annexed to Security Council resolution 1966 (2010) since the arrest was made prior to 1 July 2011. I also note that under article 4 of the Transitional Arrangements, the Tribunal is obligated to handle trials of contempt/false testimony cases where the indictment has been confirmed before 1 July 2012. These cases also require a bench composed of three judges. The Tribunal has confirmed three such indictments against fugitive-accused.

These extensions are of crucial importance to ensure that the Tribunal can meet the goals of its completion strategy, i.e. the completion of all trials by the end of 2012 and of all appeals by the end of 2014. Therefore, I should be grateful if you could bring my request to the attention of the Security Council and the General Assembly for necessary action, where required.

(*Signed*) Vagn **Joensen**
President